

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Rafael Guerrero-Lorenzo

Principal

YOB: 1992

Mexico

Tomas Garcia-Padilla

Co-Principal

YOB: 1991

Mexico

Case Number:

M-20- 562 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 28, 2020 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Junior Josue Castillo, citizen of Honduras, Andrea Carolina Pesantes-Mejia, citizen of Ecuador, and Maria Carolina Trejo-Lugo, citizen of Mexico, along with twenty-one (21) other undocumented aliens for a for a total of twenty-six (26), who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Alamo, Texas to the point of arrest near Alamo, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

On February 28, 2020, Border Patrol Agents were patrolling near Tower Road in Alamo, Texas when a still camera activation alerted agents of possible undocumented aliens walking north near the Santa Ana Refuge. This area is highly used by human smugglers to pick up undocumented aliens due to the dense brush and close proximity to the Rio Grande River.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on February 29, 2020.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

/s/ Julio C. Peña

Signature of Complainant

Julio C. Peña

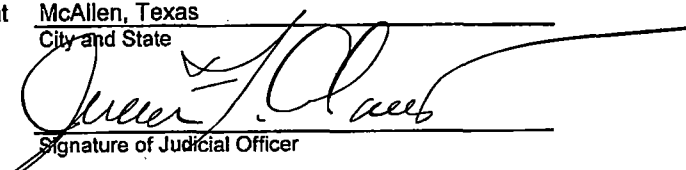
Border Patrol Agent

Printed Name of Complainant

February 29, 2020 @ 2:28 pm
Date

at McAllen, Texas
City and State

Juan F. Alanis, U. S. Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-20- 562 -M

**RE: Rafael Guerrero-Lorenzo
Tomas Garcia-Padilla**

CONTINUATION:

Agent Zlomek was positioned north on Tower Road when he observed a Chevrolet Tahoe and a Ford Minivan traveling in tandem towards the levee road on Tower Road. Shortly thereafter, agent Zlomek observed approximately twenty (20) suspected aliens emerge from the brush and swiftly board both the Tahoe and the minivan. At this time, agent Zlomek relayed the information to mobile agents and agent McCurdy immediately responded to the area.

While traveling on Military Highway towards Tower Road, agent McCurdy observed the Tahoe continue traveling north on Tower Road and the minivan turned westbound on Military Highway. Agent McCurdy relayed the minivans direction of travel and proceeded to conduct a traffic stop on the Tahoe by activating his emergency equipment. The driver of the Tahoe slowed down and as soon as the vehicle stopped agent McCurdy observed two subjects exiting through the passenger side door. Agent McCurdy immediately apprehended both subjects and one male subject was later identified as Rafael Guerrero-Lorenzo. Additional agents arrived to secure the vehicle and discovered eleven (11) additional subjects inside the Tahoe. All thirteen (13) subjects were determined to be illegally present in the United States.

As agents secured the Tahoe, Agent Reyes located the minivan traveling north on Alamo Road and activated his emergency equipment to conduct a traffic stop. The minivan failed to stop and continued traveling north. Agent Reyes relayed this information and additional mobile agents deployed a Controlled Tire Deflating Device (CTDD) in an attempt to stop the minivan. After striking the CTDD, the minivan came to a stop and mobile agents observed the driver, later identified as Tomas Garcia-Padilla, exit through the driver side door, and attempt to abscond. A short time later, mobile agents apprehended Garcia approximately 200 yards from the minivan. Back at the minivan, additional agents discovered twelve (12) subjects inside the vehicle. An immigration inspection was conducted on Garcia along with the twelve (12) subjects and all were determined to be illegally present in the United States.

All twenty-six subjects were transported to the Weslaco Border Patrol Station to be processed accordingly.

**UNITED STATES DISTRICT COURT
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**RE: Rafael Guerrero-Lorenzo
Tomas Garcia-Padilla**

CONTINUATION:

PRINCIPAL STATEMENT:

Rafael Guerrero-Lorenzo was read his Miranda Rights. He understood and agreed to provide a sworn statement without the presence of an attorney.

Guerrero admitted to being the driver of the Tahoe that he used to pick up aliens. Guerrero stated he was going to receive \$250 for each person. Guerrero claimed he was only supposed to pick up five people because it seemed easy to do it. Guerrero stated he was instructed to follow a van to the pickup location. Once there, Guerrero stated about nine aliens boarded his vehicle and the rest boarded the van.

CO-PRINCIPAL STATEMENT:

Tomas Garcia-Padilla was read his Miranda Rights. He understood and agreed to provide a sworn statement without the presence of an attorney.

Garcia stated he was hired to pick up illegal aliens in a van. Garcia claimed he was instructed to pick up the van at a store. Garcia stated he was going to receive \$800 and an additional \$500 to pay of his own smuggling debt. Garcia claimed he was receiving instructions over his cell phone when he picked up the aliens. After driving a short distance, Garcia stated his vehicles' tires were blown but he kept driving because he panicked.

MATERIAL WITNESSES STATEMENTS:

Junior Josue Castillo, Andrea Carolina Pesantes-Mejia, and Maria Carolina Trejo-Lugo were read their Miranda Rights. Both understood and agreed to provide a sworn statement without the presence of an attorney.

Castillo, a citizen of Honduras, stated a family member made his smuggling arrangements and paid \$5,000 upfront. After crossing the river with several other subjects, Castillo claimed they were instructed to walk a path to the pickup location and the vehicles would be waiting for them. Castillo stated he boarded a minivan and sat in the rear cargo area. Castillo stated the driver told them that they were going to get caught after noticing the police was behind them.

Pesantez, a citizen of Ecuador, stated her mother made the smuggling arrangements but did not know how much was going to be paid. Pesantez claimed she was smuggled across the river on a raft along with 30 other subjects. Pesantez stated they were instructed to walk to the pickup location and that two vehicles were going to be waiting to pick them up. Once there, Pesantez claimed she boarded a green in color van. Pesantez stated the driver traveled a short distance before he stopped and ran out. Pesantez claimed the driver was bald, a bit chubby and was wearing blue jeans.

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CONTINUATION:

Trejo, a citizen of Mexico, stated she made the smuggling arrangements and was going to pay \$700. After crossing the river along with twenty other subjects, Trejo claimed they told where to go. Trejo claimed she boarded a brown in color Explorer type vehicle. Trejo claimed the other subjects inside the vehicle told the driver to slow down.